

February 12, 2025

VIA ECF

Hon. Arun Subramanian
U.S. District Court S.D.N.Y.
500 Pearl Street
New York, New York 10007

Re: Nike, Inc. v. lululemon usa, inc. (Case No. 1:23-cv-00771-AS)
Letter Motion to File Under Seal Nike's Opposition to lululemon's
Omnibus Motions *in Limine*

Dear Judge Subramanian,

Pursuant to paragraph 11(C)(ii) and (iii) of Your Honor's Individual Practices ("Individual Practices"), Plaintiff Nike, Inc. ("Nike"), by and through its undersigned counsel, seeks leave to file its Opposition to lululemon's Omnibus Motions *in Limine* ("Opposition") in redacted form and certain accompanying exhibits under seal. Nike submits this request because the Opposition contains and attaches information and material that lululemon and/or third parties have designated confidential under Protective Orders in this case (ECF No. 54) and other cases. The Opposition does not contain or attach any information Nike has designated or otherwise asserts is confidential.

Nike's Opposition summarizes, cites, and includes as exhibits, an expert report, deposition testimony, and an interrogatory response that lululemon has designated "Highly Confidential – Attorneys' Eyes Only" ("AEO") under the Protective Order. These documents discuss lululemon's business strategies and design and development of the accused products. Additionally, Nike's Opposition discusses confidential settlement agreements between Nike and third parties. In accordance with paragraphs 11(C)(ii) and (iii) of Individual Practices, Nike's Opposition is being filed publicly in redacted form (and with slipsheets for sealed exhibits) contemporaneously with this letter motion.

As set forth in the Court's Order dated January 30, 2025 (ECF No. 275), the parties will meet and confer to narrow the scope of any sealing request, will prepare narrowly-tailored redactions of any non-public materials and will respond to all motions to seal filed with the joint pretrial order and motions *in limine*, on March 28, 2025.

Best Regards,

/s/ Aaron P. Bowling
Christopher J. Renk
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